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Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/63/L.52 and Add.1)*]

63/134. The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

The General Assembly,

Recognizing that the trade in conflict diamonds continues to be a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

Recognizing also the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

Noting the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security,

Recognizing, therefore, that continued action to curb the trade in conflict diamonds is imperative,

Recalling that the elimination of illicit diamonds from legitimate trade is the primary objective of the Kimberley Process,

Acknowledging that the diamond sector is an important catalyst for achieving poverty reduction and meeting the requirements of the Millennium Development Goals in producing countries,

Bearing in mind the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of many of the producing, exporting and importing States, especially developing States,

Noting that the vast majority of rough diamonds produced in the world are from legitimate sources,

Recalling the Charter and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the implementation of the measures provided for in those resolutions,

Recalling also Security Council resolution 1459 (2003) of 28 January 2003, in which the Council strongly supported the Kimberley Process Certification Scheme[1] as a valuable contribution against trafficking in conflict diamonds,

Welcoming the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries,

Noting with satisfaction that the implementation of the Kimberley Process Certification Scheme continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and would help to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

Acknowledging that lessons learned from the Kimberley Process are useful for the work of the Peacebuilding Commission in its consideration of the countries included in its agenda, as appropriate,

Recalling its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002, 57/302 of 15 April 2003, 58/290 of 14 April 2004, 59/144 of 15 December 2004, 60/182 of 20 December 2005, 61/28 of 4 December 2006 and 62/11 of 26 November 2007, in which it called for the development and implementation as well as a periodic review of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

Welcoming, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way as not to impede the legitimate trade in diamonds or impose an undue burden on Governments or industry, particularly smaller producers, nor hinder the development of the diamond industry,

Welcoming also the decision of forty-nine Kimberley Process Participants, representing seventy-five countries, including the twenty-seven members of the European Union represented by the European Commission, to address the problem of conflict diamonds by participating in the Process and implementing the Kimberley Process Certification Scheme,

Noting the consensual outcomes of the plenary meeting of the Kimberley Process, held in New Delhi from 3 to 6 November 2008,

Welcoming the important contributions made and that continue to be made by civil society and the diamond industry, in particular the World Diamond Council which represents all aspects of the diamond industry, to assist international efforts to stop the trade in conflict diamonds,

Welcoming also the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation contributes, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,[2] to ensuring the effectiveness of national systems of internal control for rough diamonds,

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[1] See A/57/489.

[2] Ibid., annex 2.

Noting with appreciation that the Kimberley Process has pursued its deliberations on an inclusive basis, involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society, as well as applicant States and international organizations,

Recognizing that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

Recognizing also that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all Participants have requisite national legislation coupled with effective and credible internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices, as well as differences in institutional controls thereof, may require different approaches to meeting minimum standards,

Welcoming the efforts of the Kimberley Process to elaborate new rules and procedural norms for regulating the activities of its working bodies, Participants and observers,

1. *Reaffirms its strong and continuing support* for the Kimberley Process Certification Scheme[1] and the Kimberley Process as a whole;

2. *Recognizes* that the Kimberley Process Certification Scheme can help to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds and act as a mechanism for the prevention of future conflicts, and calls for the full implementation of existing Council measures targeting the illicit trade in rough diamonds, particularly conflict diamonds which play a role in fuelling conflict;

3. *Also recognizes* the important contributions that the international efforts to address the problem of conflict diamonds, including the Kimberley Process Certification Scheme, have made to the settlement of conflicts and the consolidation of peace in Angola, Liberia and Sierra Leone;

4. *Notes* the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken to implement the Kimberley Process Certification Scheme, effective from 1 January 2003 to 31 December 2006,[3] and the decision of the General Council of 17 November 2006 granting an extension of the waiver until 31 December 2012;[4]

5. *Takes note* of the report of the Chair of the Kimberley Process submitted pursuant to resolution 62/11,[5] and congratulates the participating Governments, the regional economic integration organization, the diamond industry and civil society organizations involved in the Process for contributing to the development, implementation and monitoring of the Kimberley Process Certification Scheme;

6. *Acknowledges* the progress made by Kimberley Process working groups, Participants and observers during 2008 in fulfilling the objectives set by the Chair to strengthen implementation of the peer review system, increase the transparency and accuracy of statistics, promote research into the traceability of diamonds, promote

[3] World Trade Organization, document WT/L/518. Available from http://docsonline.wto.org.

[4] World Trade Organization, document G/C/W/559/Rev.1. Available from http://docsonline.wto.org.

[5] A/63/560, enclosure.

inclusiveness by broadening the level of involvement by both Governments and civil society in the Certification Scheme, foster a sense of ownership by Participants, improve information and communication flows and enhance the capacity of the Certification Scheme to respond to emerging challenges;

7. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential, and encourages all Member States to contribute to the work of the Kimberley Process by seeking membership, participating actively in the Certification Scheme and complying with its undertakings;

8. *Welcomes* the admission in 2008 of Mexico to the Kimberley Process and the resumption of trade in rough diamonds by the Congo, and recognizes the increased involvement of civil society organizations, in particular those from producer countries, in the Process;

9. *Also welcomes* the guidelines endorsed by the New Delhi plenary meeting that recommend interim measures for serious non-compliance with Kimberley Process minimum requirements, set out the guiding principles for determination of serious non-compliance and include an indicative list of escalating measures, namely, targeted statistical analysis, enhanced monitoring and additional verification measures, mobilization of technical assistance, and suspension and resumption of export and import operations;[6]

10. *Notes with satisfaction* that, in line with paragraph 14 of its resolution 62/11, a visit led by the representative of the Chair of the Kimberley Process was undertaken to the Bolivarian Republic of Venezuela, which helped to provide a better understanding of the challenges being experienced by the Bolivarian Republic of Venezuela in the diamond mining sector and led to the recommendation that the Process should continue to engage with the Bolivarian Republic of Venezuela, which has voluntarily separated from the Kimberley Process Certification Scheme for a period of two years, and to assist and support the Bolivarian Republic of Venezuela in developing a plan of action to implement the minimum standards of the Certification Scheme and fully reintegrate into the Scheme;

11. *Notes with appreciation* the willingness of the Kimberley Process to support and provide technical assistance to those Participants experiencing temporary difficulties in complying with the requirements of the Kimberley Process Certification Scheme, and welcomes the recommendations in this regard of the Process plenary meeting held in New Delhi, which include a provision that such Participants would, if the Participation Committee so determined, retain membership and participate in the Process activities, and continue to be subject to all other obligations under the Certification Scheme;

12. *Notes with satisfaction* the systematization of the work of the Kimberley Process with respect to continuing to develop transparent and uniform rules and procedures, introducing a mechanism for consultations and coordination within the Process, and adoption by the New Delhi plenary meeting of the rules and criteria for selection of the Vice-Chair of the Process, rules and procedures for readmission of a former Process Participant, and guiding principles on participation of the guests of the Process Chair in the Process;[6]

13. *Notes with appreciation* the cooperation of the Kimberley Process with the United Nations on the issue of diamonds from Côte d'Ivoire, by participating in

[6] Ibid., annex I.

a joint United Nations-Kimberley Process field mission to Côte d'Ivoire and by pursuing the monitoring of diamond activity in Côte d'Ivoire, welcomes plans by Côte d'Ivoire to re-establish Government control over diamond mining and trade, and encourages continued cooperation between the Process and the United Nations in tackling this issue, with the ultimate objective of meeting the preconditions for the lifting of United Nations sanctions on the trading of rough diamonds from Côte d'Ivoire;

14. *Acknowledges* the progress made by Ghana in 2008 in strengthening its internal controls in follow-up to the administrative decision on Ghana adopted by the plenary meeting of the Kimberley Process, held in Gabarone from 6 to 9 November 2006, and agrees that continued implementation of the action plan by Ghana would greatly enhance the effectiveness of the Process;

15. *Notes with satisfaction* the publication for the first time of Kimberley Process rough diamond trade and production sub-annual data for 2004 to 2007, welcomes the progress made towards the collection and submission of complete and accurate statistical reports on the production of and trade in rough diamonds, and encourages all of the Process Participants to continue to enhance the quality of data, and to respond promptly to Process analyses of these data;

16. *Also notes with satisfaction* the development, in line with paragraph 7 of its resolution 60/182 and paragraph 7 of its resolution 61/28, of "footprints", size-frequency distribution diagrams, that characterize the diamond production of Côte d'Ivoire, the Marange diamond field in Zimbabwe and Togo and the continued work undertaken for Ghana, and the development of statistical protocols to allow comparison of the export footprints with the established production footprint of the Participants;

17. *Notes with appreciation* the publication of a consolidated matrix of inventories of Participants engaged in artisanal alluvial diamond production and the continued efforts to follow up on the effective implementation of the Moscow declaration on improving internal controls over alluvial diamond production;

18. *Stresses* the importance of implementing the declaration on internal controls in diamond trading and manufacturing centres endorsed by the plenary meeting of the Kimberley Process, held in Brussels from 5 to 8 November 2007, and encourages all such centres to carry out effective enforcement measures, including those set out in the guidance on internal controls for Participants engaged in trading and manufacturing, as part of their own internal controls for ensuring adequate Government oversight over the trade in rough diamonds;

19. *Notes with appreciation* the assistance and capacity-building efforts extended by various donors, and encourages other donors to provide financial and technical expertise to Kimberley Process Participants to help them to develop tighter monitoring and control measures;

20. *Acknowledges with great appreciation* the important contribution that India, as Chair of the Kimberley Process in 2008, has made to the efforts to curb the trade in conflict diamonds, and takes note that the Process has selected Namibia as Chair and Israel as Vice-Chair of the Process for 2009;

21. *Requests* the Chair of the Kimberley Process to submit to the General Assembly at its sixty-fourth session a report on the implementation of the Process;

22. *Decides* to include in the provisional agenda of its sixty-fourth session the item entitled "The role of diamonds in fuelling conflict".

67th plenary meeting
11 December 2008